

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHC #1069 1631929  
ZNR UUUUU ZZH  
O 121905Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY DUBLIN IMMEDIATE 0000

UNCLAS STATE 061069

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [EI](#)  
SUBJECT: IRELAND -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Ireland of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Ireland and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Ireland of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Ireland,s country narrative in the 2009 TIP Report:

-----  
IRELAND (TIER 2)

Ireland is a destination and, to a lesser extent, transit country for women, men, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women from Eastern Europe, Nigeria, other parts of Africa and, to a lesser extent, South America and Asia reportedly have been trafficked to Ireland for forced prostitution. Labor trafficking victims reportedly consist of men and women from Bangladesh, Pakistan, Egypt, and the Philippines, although there may also be some victims from South America, Eastern Europe, and other parts of Asia and Africa. One Irish NGO reported that forced labor victims are found in domestic labor and restaurant and agricultural work. Unaccompanied minors from various source countries, particularly China, are vulnerable to trafficking. Over the last eight years, 388 unaccompanied immigrant children have disappeared from state care. While Irish authorities believe the majority of these children have been reunited with family members, the government reported that a small number of the missing children have been found in involuntary servitude in brothels, restaurants, and in domestic service.

The Government of Ireland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government enacted legislation criminalizing human trafficking during the reporting period, increased trafficking awareness efforts, and investigated nearly 100 cases of potential trafficking. Although Ireland made significant strides, there was no evidence that trafficking offenders were prosecuted or convicted during the reporting period, and concerns remained about victim identification and protection.

Recommendations for Ireland: Vigorously prosecute trafficking offenses and convict and sentence trafficking offenders; continue to implement procedures to guide officials in proactive identification of possible sex and labor trafficking victims among vulnerable groups, such as unaccompanied foreign minors; continue to take steps that will ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked; and continue prevention measures targeted at reducing the vulnerability of the unaccompanied foreign minor population to trafficking.

Prosecution  
-----

The Government of Ireland made significant progress in improving its anti-trafficking legislative tools and in training personnel to combat human trafficking, but there were no documented prosecutions of trafficking offenders during the reporting period. The Government of Ireland prohibits all forms of trafficking through the Criminal Law (Human Trafficking) Act, enacted in 2008. Penalties prescribed range from no prescribed minimum to life imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for rape. In 2008, the Government initiated 96 investigations into alleged human trafficking offenses. The government reported no prosecutions or convictions under its human trafficking

statute in 2008. One defendant was convicted and sentenced to 15 years, imprisonment in 2007 for sexual violence offenses against two victims, one of whom might have been in domestic servitude. The government reported that it cooperated with other countries on international anti-trafficking investigations and arrested three people wanted in other European countries on trafficking charges. In conjunction with IOM, the government trained more than 770 police officers and 130 other government officials, including airport authorities, on anti-trafficking law enforcement techniques.

## Protection

-----

Ireland provided limited protection and assistance to trafficking victims during 2008. The government disbursed funds for one NGO that works with sex trafficking victims, and to which the government referred suspected trafficking victims. Suspected victims of trafficking may also receive housing and services under the state program for asylum seekers. In December, the anti-trafficking working group formalized procedures for the referral of victims to NGOs, which will be codified in the National Action Plan. Irish officials also referred trafficking victims to NGOs providing food, shelter, health care, and legal assistance or to immigrant detention centers. The government assessed child victims, needs individually and placed the majority of child victims in the care of the government's Health Service Executive. As a result of the problem of missing unaccompanied minors, the government upgraded security at some of the residential housing units in which they were placed and trained health department officials working with these children in proactive trafficking victim identification efforts. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders through witness protection measures and a 60-day reflection period -- both newly designed government incentives. The government provided temporary legal alternatives to the removal of foreign victims during the reflection period, and longer term residency arrangements are possible. One of the lead anti-trafficking NGOs in Ireland publicly expressed concerns that the Irish government does not recognize all signs of trafficking as it screens suspected trafficking victims, though this concern was not unanimous among NGOs. Out of 40 suspected human trafficking victims referred to police during the reporting period, two were granted the 60-day reflection period by authorities. Of the remainder, all reside legally in Ireland. The police did not report the existence of any other victims during the reporting period. There was evidence during the year that potential trafficking victims were penalized for unlawful acts committed as a direct result of their being trafficked. One suspected victim spent several months in jail for failing to provide proof of identification, though she claimed she had been forced into prostitution in Ireland.

## Prevention

-----

Ireland made significant progress in prevention efforts during the reporting period. In October, the government launched a broad awareness campaign using the &Blue Blindfold ) Don't Close Your Eyes to Human Trafficking8 theme developed by the UK Human Trafficking Centre. Ireland held the lead role in the G6 anti-trafficking campaign, which included newspaper advertisements on four separate dates, distribution of 1,250 information packs to various government and civic organizations, advertising on mass transit, Internet advertisements, business cards distributed to hairdressers, advertisements in rugby programs, and a dedicated website. The Irish government produced a short film and advertisement designed to educate potential clients of the sex trade about human trafficking and to draw attention to the criminal liability these clients potentially face for exploiting trafficking victims. Ireland coordinated its government response to human trafficking through a specially created unit in the Justice Department. The director of the government's anti-trafficking unit has addressed numerous conferences within Ireland and has created

pages on Internet social networking sites. The new law criminalizing human trafficking provides for extraterritorial jurisdiction over Irish residents who engage in child sex tourism abroad. Ireland's Department of Defense provided anti-trafficking training of Irish troops being deployed abroad as peacekeepers. Ireland has not ratified the 2000 UN TIP Protocol.

-----  
19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make

significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Ireland given a ranking of Tier 2?

A: The Government of Ireland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government enacted legislation criminalizing human trafficking during the reporting period, increased trafficking awareness efforts, and investigated nearly 100 cases of potential trafficking. Although Ireland made significant strides, there was no evidence that trafficking offenders were prosecuted or convicted during the reporting period, and concerns remained about victim identification and protection.

Q2: What can Ireland do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Irish government could: vigorously prosecute trafficking offenses and convict and sentence trafficking offenders; continue to implement procedures to guide officials in proactive identification of possible sex and labor trafficking victims among vulnerable groups, such as unaccompanied foreign minors; continue to take steps that will ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked; and continue prevention measures targeted at reducing the vulnerability of the unaccompanied foreign minor population to trafficking.

Q3: What sources does the State Department use for information?

A: The Department of State prepared this Report using information from U.S. embassies, foreign government officials, NGOs and international organizations, published reports, research trips to every region, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov).

¶12. The Department appreciates posts, assistance with the preceding action requests.  
CLINTON